

Rec'd PCT/PTO

3 MAR 2006

DOCKET NO.: SC0978EG

#5

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Anthony Newton

APPLICATION NO.: 10/521,417

FILED: January 5, 2005

GROUP ART UNIT: Unknown

TITLE: TRANSMITTER AND RECEIVER GAIN CALIBRATION BY MEANS
OF FEED-BACK IN A TRANSCEIVER

Certificate of Mailing

Date of deposit:

March 1, 2006

I hereby certify that this paper is being deposited with the United States Postal Service on the date indicated above, as first-class mail, with sufficient postage attached thereto, in an envelope addressed to the Commissioner for Patents, Alexandria, VA 22313.


Signature of Person Mailing Paper

Stacie Herrera

Printed Name of Person Mailing Paper

Mail Stop Missing Parts
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

RECEIVED
29 JUL 2006
Legal Staff
International Division

PETITION UNDER 37 CFR 1.47

Sir:

Responsive to the Notice to File Missing Parts of Application mailed July 1, 2005, and in view that both inventors involved with this application for patent appear not to be willing to sign a declaration, the applicant hereby petitions that this application be made on behalf of the inventors. This US Application was filed claiming priority from a PCT Application (Application No. PCT/EP2003/006753, filed on June 25, 2003) and Great Britain Application (Application No. 0215582.8, filed on July 5, 2002).

This petition alleges that Anthony Newton and Heinz Lehning were not employed with Freescale Semiconductor, Inc. at the time of filing the US application.

This petition also alleges that Motorola, Inc. assigned its right to this patent application to Freescale Semiconductor, Inc.

This petition includes proof of the pertinent facts, the fee set forth in § 1.17 (h), and the last known address of both inventors. Applicant respectfully requests the granting of this petition in the above-referenced application.

This petition accompanies the oath and declaration in this application, which is submitted concurrently herewith. In addition, a petition for an appropriate extension of time to respond is submitted herewith.

STATEMENT OF THE PERTINENT FACTS

1. On April 13, 2005, Freescale Semiconductor, Inc.'s foreign agent, Impetus IP, Ltd. forwarded to Anthony Newton, via TNT International, a hardcopy of the application, assignment and agreement, and declaration for his signature. (See Exhibit 1 and Exhibit 3)
2. On April 13, 2005, Freescale Semiconductor, Inc.'s foreign agent, Impetus IP, Ltd. forwarded to Heinz Lehning, via TNT International, a hardcopy of the application, assignment and agreement, and declaration for his signature. (See Exhibit 2 and Exhibit 3)
3. On September 1, 2005, Isabelle Barbe, an employee of EMEA Freescale Semiconductor, Inc., forwarded to Anthony Newton and Heinz Lehning, via email, a softcopy of the application, assignment and agreement, and declaration for their signature. (See Exhibit 4)
4. On June 18, 2003, Anthony Newton signed the Power of Attorney to Attorneys for Motorola, European Intellectual Property Operations for the PCT Application No. PCT/EP2003/006753, filed on June 25, 2003. (See Exhibit 5)
5. On June 11, 2003, Heinz Lehning signed the Power of Attorney to Attorneys for Motorola, European Intellectual Property Operations for the PCT Application No. PCT/EP2003/006753, filed on June 25, 2003. (See Exhibit 6)
6. Motorola, Inc. assigned its right to the Application to Freescale Semiconductor, Inc. effective as of April 4, 2004. (See Exhibit 7)
7. On January 5, 2005, the above identified patent application was filed with the USPTO, with an unsigned oath and declaration, naming as joint inventors: (1) Anthony Newton and (2) Heinz Lehning.
8. As of today, March 1, 2006, the undersigned, Impetus IP, Ltd., or EMEA Freescale Semiconductor, Inc. has not received any signed declaration document for S/N 10/521,417 (SC0978EG) from either Anthony Newton or Heinz Lehning.

REMARKS

From the statement of the pertinent facts above and the attached exhibits, it is submitted that over a period of time from April 2005 to September 2005, the undersigned through Impetus IP, Ltd., or EMEA Freescale Semiconductor, Inc., has provided to Anthony Newton and Heinz Lehning copies of the patent application and declaration document in the instant application. Anthony Newton and Heinz Lehning have received the patent application and declaration document, and neither Mr. Newton, or Mr. Lehning have provided their signature on the declaration document in the instant application. Accordingly, it is respectfully submitted that Mr. Anthony Newton and Mr. Heinz Lehning have refused to join in this application for patent.

In connection with the filing of missing parts in the instant application, and in view of the potential for the instant application going abandoned for failure to respond to the request for filing of missing parts, the applicant hereby petitions that this application be made by applicant, Freescale Semiconductor, Inc., on behalf of the non-signing inventors. This petition includes proof of the pertinent facts, the fee set forth in § 1.17(h), and the last known address of the non-signing inventors, given below. Applicant respectfully requests the granting of this petition in the above referenced application.

Last Known Address of the Non-Signing Inventors:

Anthony Newton
Les Jordils
Le Vaud, 1261 CH
Switzerland

Heinz Lehning
3 Chemin Des Grandes Pres
Tannay, 1295 CH
Switzerland

The Commissioner is hereby authorized to charge all fees due to Account No. **503079**. A fee transmittal is enclosed.

An early formal notice of the granting of this petition is respectfully requested.

SEND CORRESPONDENCE TO:

FREESCALE SEMICONDUCTOR, Inc.
Law Department
Customer Number: 23125

Respectfully submitted,

By: 

DAVID G. DOLEZAL

Attorney of Record

Reg. No.: 41,711

Telephone: (512) 996-6839

Fax No.: (512) 996-6853

YV6500 001 CTRMAD68

RETRIEVED COMSIGNEDS REPORT

02/08/05 09:45 PAGE 091
Requested By RJJIFLE

COMPAR W4

REPORT AVG

Selected On: COMSIGNEDS 3166771891 DATE 20050412
Con 3166771891 Orig EXT Debt GVA Pickup Date 20050412 Due 20050413 Terms 5 Source 05 Archived 20050712
Client Det Prid 1ED Div C Options Ins Value 0.00
Trade Status 2 Contr M 0.500 Actual WC 0.001 Actual Vol 0.000

Batch Nr No. Pieces 1
Sender IMPETUS ID LTD
Address GROVE HOUSE
LUTTONS CLOSE
LUTTONS CLOSE
Country GB
Account 00101067 Receiver ARTHUR NEWTON
Tel Nr 07801823040 Address LES JORDLES
Post code RG24 8AG Country CH
Post code 1261

Collect IMPETUS ID LTD
Address WILKESBRO PARK
LANSBUDON
Account 07801823040
Tel Nr 07801823040
Delivery Address
Post code
WILKESBRO 1

Country GB	Status	Date	Time	Depot	Description	Post code	PLA 8VZ	Country	Bound Nr	Run Sheet	Acce Issue	POD signature	Post code
AC	20050413	1200	RTN	SENDER / RECEIVED ACCOUNTER AD	21	04067	2	NEWTON	←*				
OR	20050413	1400	GVA	COMSIGNEDS DELIVERED IM GOOD	21	04067							
OB	20050413	0821	GVA	OUT FOR DELIVERY	21	04067							
OD	20050413	0800	GVA	DELIVERY UNIT PREPARED	21	04067							
IR	20050413	0714	GVA	IMPORT RECEIVED									
TS	20050413	0414	LOG	COMSIGNEDS TRANSMITTED									
TR	20050413	0251	LOG	PHYSICAL COMSIGNEDS SORTED									
TR	20050413	0059	LOG	PHYSICAL COMSIGNEDS SORTED									
TS	20050413	2130	CMC	COMSIGNEDS TRANSMITTED									
TR	20050413	2127	CMC	PHYSICAL COMSIGNEDS SORTED									
OS	20050413	1948	EXT	ORIGIN SHIPPED									
OS	20050413	1841	EXT	PHYSICAL COMSIGNEDS SORTED									
TR	20050413	1734	EXT	PHYSICAL COMSIGNEDS SORTED									
D01	20050412	1744	EXT	STATUS Remarks V0769753									
Sector	Mode	Orig	Dest	Dep Date									
RT 4521	C	EXT	CMC	20050412									
TD 00235	C	LOG	GVA	20050413									
55555	A	CMC	LOG	20050412									

END OF REPORT

Exhibit 1

WES500 D01 CYR00468

RECEIVED CONSIGMENTS REPORT

02/08/05 00:45 PAGE 032
Requested by U1137L5

COMPART NM

DEPT AVG

Selected On: CONSIGMENT 316672301

DATE 20050412

Terms & Source Of Archived 20050712

Con 316672301 Orig EXT Dest GVA Pickup Date 20050412 Due 20050913 Ins Value .00 Actual Vol 0.000

Client Ref And 35616 Trade Status 2 Contr Wt 0.500 Actual Wt 0.500 Contr Vol 0.001 Actual Vol 0.000

Batch Ref

No. Pieces 1

Sender IMPORTUS IP LTD

Account 001014067

Address GROVE HOUSE

Tel Nr 07881823040

Country CH

Account Tel Nr Post code 1235

Country 08

Post code 8024 840

Collect IMPORTUS IP LTD
Address WILLERSBEN PARK
LAWSON

Account Tel Nr 07881823040

Delivery Address
WITHIN 1

Post code

Country 08 Date Time Depot Description Post code PLS 9P2 Country Round Nr Run Sheet Area Zone POC Signature

AC 20050413 1200 RTN SENDER / RECEIVER ACCOUNTING AD 21 04067 A H. LEMING

OK 20050413 1010 GVA CONSIGMENT DELIVERED IN GOOD 21 04067

OD 20050413 0936 GVA OUT FOR DELIVERY 21 04067

OU 20050413 0800 GVA DELIVERY UNIT DEPARTED 21 04067

IR 20050413 0744 GVA IMPORT RECEIVED

TS 20050413 0614 LCG CONSIGMENT TRANSMITTED

TR 20050413 0252 LCG PHYSICAL CONSIGMENT SORTED

TR 20050413 0059 LCG PHYSICAL CONSIGMENT SORTED

TS 20050413 2150 CML CONSIGMENT TRANSMITTED

TR 20050413 2127 CML PHYSICAL CONSIGMENT SORTED

OS 20050413 1948 EXT ORIGIN SHIPPED

D02 20050412 1841 EXT PHYSICAL CONSIGMENT SORTED

TR 20050413 1754 EXT STATUS REMARKS VOT69753

D01 20050412 1744 EXT

Sector Mode Orig Dest Dep Date

NT 4521 C EXT CML 20050413

TD 00235 C LCG GVA 20050413

55555 A CML LCG 20050413

END OF REPORT

Exhibit 2



COPY

IMPETUS IP LTD
GROVE HOUSE
LUYTONS CLOSE
BASINGSTOKE, HAMPSHIRE
RG24 8AG
UNITED KINGDOM

For Invoice enquiry please call: 08457 646564
For Service / Delivery enquiry please call: 08705 446655

TNT International
P.O. Box 186
Ramsbottom
Bury BL0 9GR
Telephone: 08457 646564
Fax: 08457 646565
VAT Reg. No GB 354 7150 57

Bankers: National Westminster Plc
24 Deansgate
Bolton BL1 1BN
Bank Sort Code 01 30 99
Account No. 23908394

INVOICE

Invoice No.	Client No
04668625	001014067
Invoice date	Due date
15-04-05	22-04-05
VAT Reg. No.	Page
GB642325950000	1 OF 1

CONNOTE	SPECIFICATION	WEIGHT	AMOUNT	CHARGE V
316671891 12-04-05 EXPORT S	GLOBAL EXPRESS (DOCS) TO:ANTHONY NEWTON LES JORDILS LE VAUD,1261 CH	0.500A 1I	15.95	
316672101 12-04-05 EXPORT S	GLOBAL EXPRESS (DOCS) REF:AHG 375616 TO:HEINZ LEHNING 3 CHEMIN DES GRANDES PRES TANNAY,1295 CH	0.500A 1I	15.95	

Exhibit 3

Net Non-Vatable	Net Vatable	VAT at 17.5%	GBP	Total amount
31.90	0.00	0.00		31.90

A=ACTUAL WEIGHT I=ITEMS S=SENDER PAYS

Herrera Stacie-R00135

From: Barbe Isabelle-ibar01
Sent: Thursday, September 01, 2005 11:02 AM
To: 'tonynewton@bluewin.ch'; 'glnewton@tm.net.my'
Cc: 'Susan Grant'; 'Gail Tanner (gail.tanner@impetus-online.co.uk)'; Herrera Stacie-R00135; Wharmby Martin-AMW025
Subject: SC0978EG US Assignment and Declaration
Importance: High
Attachments: SC0978EG US DECLARATION.doc; SC0978EG US ASSIGNMENT1.doc

Mr Newton,

Could you please print and sign the attache Oath and Assignement for the US filing of the patent SC0978EG with the title "METHOD AND APPATUS FOR GAIN CALIBRATION" ? USPTO requires your signature on those documents, only yours is missing.

We need these documents signed by you (and 2 witnesses of your choice for the Assignment) before 20th September 2005 by express mail (UPS, DHL...)

For any question please contact me,

Regards

Isabelle Barbé

EMEA Law Department's assistant

FREESCALE Semiconducteurs France SAS
134 avenue du Général Eisenhower
BP 72329
31023 Toulouse Cedex 1
France
Tél : +33 5 61 19 17 43
Fax : +33 5 61 41 58 42

mail to : isabelle.barbe@freescale.com

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Exhibit 4

1/23/2006

**PCT
POWER OF ATTORNEY**

(for an international application filed under the Patent Cooperation Treaty)

(PCT Rule 90.4)

The undersigned applicant(s) *(Names should be indicated as they appear in the request):*

hereby appoints (appoint) the following person as: ☒ agent common representative

Name and address

(family name followed by given name, for a legal entity, full official designation. The address must include postal code and name of country.)

GIBSON, Sarah / WHARMBY, Martin / HARRISON, Christopher
LITCHFIELD, Laura / McCORMACK, Derek / STASIEWSKI, Piotr
Motorola, European Intellectual Property Operations
Midpoint, Alencon Link
Basingstoke
Hampshire, RG21 7PL
United Kingdom

to represent the undersigned before ☒ all the competent International Authorities
the International Searching Authority only
the International Preliminary Examining Authority only

in connection with the international application identified below:

Title of the invention: **A Method And Apparatus For Gain Calibration**

Applicant's or agent's file reference: **SC0978EG/PCT**

International application number (if already available):

filed with the following Office European Patent Office as receiving Office and to make
or receive payments on behalf of the undersigned.

Signature of the applicant(s) *(where there are several applicants, each of them must sign next to each signature indicate the name of the person signing and the capacity in which the person signs, if such capacity is not obvious from reading the request or this power)*

A.D. Newton
NEWTON, Anthony

18th June 2003
Dated

LEHNING, Heinz

Dated

Exhibit 5

**PCT
POWER OF ATTORNEY**

(for an international application filed under the Patent Cooperation Treaty)

(PCT Rule 90.4)

The undersigned applicant(s) (*Names should be indicated as they appear in the request*):

hereby appoints (appoint) the following person as: ☒ agent common representative

Name and address

(family name followed by given name, for a legal entity, full official designation. The address must include postal code and name of country.)

GIBSON, Sarah / WHARMBY, Martin /HARRISON, Christopher
LITCHFIELD, Laura/McCORMACK, Derek/STASIEWSKI, Piotr
Motorola, European Intellectual Property Operations
Midpoint, Alencon Link
Basingstoke
Hampshire, RG21 7PL
United Kingdom

to represent the undersigned before ☒ all the competent International Authorities
the International Searching Authority only
the International Preliminary Examining Authority only

in connection with the international application identified below:

Title of the invention: **A Method And Apparatus For Gain Calibration**

Applicant's or agent's file reference: **SC0978EG/PCT**

International application number (if already available):

filed with the following Office European Patent Office as receiving Office and to make
or receive payments on behalf of the undersigned.

Signature of the applicant(s) (*where there are several applicants, each of them must sign next to each signature indicate the name of the person signing and the capacity in which the person signs, if such capacity is not obvious from reading the request or this power*)

NEWTON, Anthony

Dated

LEHNING, Heinz

Dated

Exhibit 6

PATENT ASSIGNMENT

This Patent Assignment is between Motorola, Inc. ("Assignor") and Freescale Semiconductor, Inc. ("Assignee"). Capitalized terms used in this Patent Assignment have the same meanings given to them in the Agreement.

1. For good and valuable consideration, receipt of which the Assignor acknowledges, and by signing and delivering this instrument, the Assignor sells, assigns, transfers, conveys, and delivers to the Assignee all of the Assignor's right, title, and interest in and to:
 - (a) the patents, patent applications and invention disclosures specifically listed in Schedule 1 to this Patent Assignment; and
 - (b) the following properties and rights with respect to all patents and patent applications so listed in Schedule 1:
 - (i) the inventions claimed or described in the patents or applications,

any patents in the United States and anywhere else in the world and patent applications that have been or may be granted or filed, respectively, with respect to those inventions, including without limitation all foreign patents that may claim priority based on and correspond to the patents listed in Schedule 1,

all divisions, renewals, reissues, continuations, extensions, and (if filed by or for Assignee) continuations-in-part of the foregoing patents,

all income, royalties, damages, and payments due or payable to the Assignor with respect to the patents, including without limitation unpaid damages and payments for past, present, and future infringements of any patent and

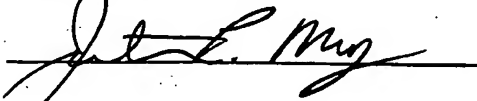
all rights to sue and recover damages and payments for past, present, and future infringements of any of the patents, including the right to fully and entirely replace the Assignor in all related matters.
2. The foregoing rights in and under the patents shall apply to the full end of their terms as fully as the Assignor would have held the same in the absence of this assignment. As of the date set forth below, the Assignee has succeeded to all right, title, and standing of the Assignor to (a) receive all rights and benefits pertaining to the patents described above, and (b) commence, prosecute, defend and settle all claims and take all actions that the Assignee, in its sole discretion, may elect in relation to the patents and rights described above.
3. This Patent Assignment (a) is irrevocable and effective upon the Assignor's signature to and delivery of a manually signed copy of this instrument or facsimile or email

Exhibit 7

transmission of the signature to this instrument in connection with the execution of the Agreement, if and only if the such execution occurs, (b) benefits and binds the parties to the Agreement and their respective successors and assignees.

The undersigned has signed this Patent Assignment effective as of April 4, 2004.

Motorola, Inc.:



By:

Name: Jonathan P. Meyer

Title: Senior Vice President and Assistant General Counsel

STATE OF Illinois
COUNTY OF COOK

On 12/10/04 before me, GABRIELLE RICHARDS (the undersigned notary), personally

appeared Jonathan P. Meyer personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal this 10th day of December, 2004.

My Commission Expires:



Notary Public Signature

GABRIELLE RICHARDS
Printed Name of Notary Public

INTELLECTUAL PROPERTY ASSIGNMENT AGREEMENT

EXHIBIT A - LISTING OF PRINCIPAL ASSIGNED INTELLECTUAL PROPERTY

SCHEDULE 1: ASSIGNED PATENTS

A. Assigned SPS Patents

Status Description		Granted		
Country Code	Docket Number	Patent Number	Grant Date	Title
USA	AP01203	5173836	12/22/92	A HERMETICALLY SEALED INTERFACE
USA	AP01288	5386341	01/31/95	SEMICONDUCTOR CARRIER ASSEMBLY
USA	AP5036ES	6697956	02/24/04	METHOD AND APPARATUS FOR PHRASE SYNCHRONIZING A PLURALITY OF MICROCONTROLLERS OF A DISTRIBUTED MICROCONTROLLER NETWORK IN A BRAKE-BY-WIRE AUTOMOBILE BRAKING SYSTEM
USA	BW00031	6301306	10/09/01	METHOD AND APPARATUS FOR GENERATING A SHORT-RANGE WIRELESS DATA COMMUNICATION LINK
USA	CE30084P	5784427	07/21/98	FEEDBACK AND SHIFT UNIT
USA	CE30085P	5781566	07/14/98	CYCLIC REDUNDANCY CODER
USA	CM00120E	4639631	01/27/87	ELECTROSTATICALLY SEALED PIEZOELECTRIC DEVICE
USA	CM00153F	4997812	03/05/91	SUPERCONDUCTING THICK FILM
USA	CM00216FI	5120678	06/09/92	ELECTRICAL COMPONENT PACKAGE COMPRISING POLYMER-REINFORCED SOLDER BUMP INTERCONNECTIONS

PCT	SC0933ET	PCT/EP02/10998	10/01/02	AUTOMATIC SCAN-BASED TESTING OF COMPLEX INTEGRATED CIRCUITS.
PCT	SC0940EC	PCT/EP02/13195	11/25/02	APPARATUS AND METHOD FOR DIGITAL CONTROL SYSTEMS
PCT	SC0945ET	PCT/EP03/01165	02/06/03	MAGNETIC NANOMATERIALS AND SYNTHESIS METHOD
PCT	SC0952EM	PCT/EP02/08261	07/24/02	CLOCK SYNCHRONIZATION IN A DISTRIBUTED SYSTEM
PCT	SC0956EI	PCT/EP03/02222	03/03/03	INSTRUCTION CACHE AND METHOD FOR REDUCING MEMORY CONFLICTS
PCT	SC0965EG	PCT/EP03/03437	04/02/03	APPARATUS AND METHOD FOR SCHEDULING TASKS IN A COMMUNICATIONS NETWORK
PCT	SC0973EI	PCT/EP03/00522	01/20/03	CHANNEL ESTIMATION IN A RADIO RECEIVER
PCT	SC0975EC	PCT/EP02/13199	11/25/02	PLL ARRANGEMENT CHARGE PUMP METHOD AND MOBILE TRANSCEIVER
PCT	SC0978EG	PCT/EP03/08753	06/25/03	A METHOD AND APPARATUS FOR GAIN CALIBRATION.
PCT	SC0979EK	PCT/EP02/12821	11/11/02	INFORMATION COMMUNICATION CONTROLLER INTERFACE APPARATUS AND METHOD.
PCT	SC0981ET	PCT/EP03/01367	02/12/03	LOW DROP-OUT VOLTAGE REGULATOR
PCT	SC0982EM	PCT/EP02/12276	11/01/02	COMMUNICATION NETWORK AND ARRANGEMENT FOR USE THEREIN

GBRI	SC09767T	97109105.3	06/05/97	RESONATOR
GBRI	SC0977EI	222686.8	10/01/02	MODULE SYSTEM AND METHOD FOR TESTING A PHASE LOCKED LOOP
GBRI	SC0978EG	215582.8	07/05/02	A METHOD AND APPARATUS FOR GAIN CALIBRATION.
GBRI	SC0979EK	204044.2	02/20/02	INFORMATION COMMUNICATION CONTROLLER INTERFACE APPARATUS AND METHOD.
GBRI	SC09814C	97116850.5	09/29/97	METHOD FOR TRANSMITTING SIGNAL S BETWEEN A MICROPROCESSOR AND AN INTERFACE
GBRI	SC0983EM	206732	03/22/02	SELF-ROUTING STAR-COUPLER-BASED COMMUNICATION NETWORK
GBRI	SC11433TH	324805.1	05/15/02	SYSTEM AND METHOD FOR CONTROLLING BUS ARBITRATION DURING CACHE MEMORY BURST CYCLES
GBRI	SC12303EM	224627	10/23/02	ARRANGEMENT SYSTEM AND METHOD FOR VECTOR PERMUTATION IN SINGLE-INSTRUCTION MULTIPLE-DATA MICROPROCESSORS.
GBRI	SC12328EC	314202.3	06/18/03	METHOD AND ARRANGEMENT FOR I-Q BALANCING AND RADIO RECEIVER INCORPORATING SAME
GBRI	SC12331ER	229878.4	12/20/02	CIRCUIT AND METHOD FOR SUPPLYING AN ELECTRICAL AC LOAD
GBRI	SC12401EM	318256.5	08/05/03	ARRANGEMENT AND METHOD FOR CONNECTING A PROCESSING NODE IN A DISTRIBUTED SYSTEM